


AUG 06, 2013

JULIA C. JUDLEY, CLERK  
BY:   
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MITCHELL JEROME FERGUSON, ) CASE NO. 7:13CV00237

)  
Petitioner, )

v. )

) FINAL ORDER  
)

HENRY PONTON, JR., )

) By: Glen E. Conrad

) Respondent. )

) Chief United States District Judge  
)

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** as  
untimely filed, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a  
constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is  
**DENIED.**

ENTER: This 6th day of August, 2013.



Chief United States District Judge